

Chapter 25. Respiratory Therapists and Respiratory Therapy Technicians

Subchapter A. General Provisions

' 2501. Scope of Chapter

The rules of this chapter govern the licensing of respiratory therapists and respiratory therapy technicians in the state of Louisiana.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270(B)(6) and R.S. 37:3351-3361.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 12:767 (November 1986).

' 2503. Definitions

A. As used in this chapter, unless the context clearly states otherwise, the following terms and phrases shall have the meanings specified:

*Applicant*Ca person who has applied to the board for licensure as a licensed respiratory therapist or a licensed respiratory therapy technician.

*Board*Cthe Louisiana State Board of Medical Examiners.

*Certified Respiratory Therapy Technician*Cone who has been certified by the National Board for Respiratory Care.

*Chest Pulmonary Therapy (CPT)*Cchest percussion, postural drainage, chest clapping, chest vibrations, bronchopulmonary hygiene and cupping.

*Licensed Respiratory Therapist*Ca person who is licensed by the board to practice respiratory therapy only under the qualified medical direction and supervision of a licensed physician.

*Licensed Respiratory Therapy Technician*Ca person who is licensed by the board to provide respiratory therapy only under the qualified medical direction and supervision of a licensed physician.

*Medical Gases*Cgases commonly used in a respiratory care department in the calibration of respiratory therapy equipment (nitrogen, oxygen, compressed air, and carbon dioxide), in the diagnostic evaluation of disease (carbon monoxide, nitrogen, carbon dioxide, helium, and oxygen) and in the therapeutic management of disease (nitrogen, carbon dioxide, helium, oxygen, and compressed air).

*National Board for Respiratory Care*Cthe official credentialing board of the profession, or its successor.

*Nontraditional Respiratory Care Education Program*Ca program of studies primarily through correspondence with tutorial assistance and with a clinical component comparable to a traditional program.

*Physician*Ca person who is currently licensed by the board to practice medicine in the state of Louisiana.

*Registered Respiratory Therapist*Cone who has been registered by the National Board for Respiratory Care.

*Respiratory Therapy*Cthe allied health specialty practiced under the direction and supervision of a licensed physician involving the treatment, testing, monitoring, and care of persons with deficiencies and abnormalities of the cardiopulmonary system. Such therapy includes the following activities conducted upon written prescription or verbal order of a physician and under his direct supervision:

a. application and monitoring of oxygen, ventilatory therapy, bronchial hygiene therapy, respiratory rehabilitation, and cardiopulmonary resuscitation;

b. insertion and care of airways as ordered by a physician;

c. institution of any type of physiologic monitoring applicable to respiratory therapy;

d. administration of drugs and medications commonly used in respiratory therapy that have been prescribed by a physician to be administered by qualified respiratory therapy personnel;

e. initiation of treatment changes and testing techniques required for the implementation of respiratory therapy protocols as directed by a physician;

f. administration of medical gases, and environmental control systems and their apparatus;

g. administration of humidity and aerosol therapy;

h. application of chest pulmonary therapy, transcription and implementation of the written and verbal orders of a physician;

i. the institution of known and physician-approved protocols relating to respiratory therapy in emergency situations in the absence of immediate direction by a physician;

j. application of specific procedures and diagnostic testing as ordered by the physician to assist in diagnosis, monitoring, treatment, and research, including those procedures required and directed by the physician for the drawing of blood samples to determine acid-base status and blood gas values, the collection of sputum for analysis of body fluids, and the measurement of cardiopulmonary functions as commonly performed in respiratory

therapy; and

- k. supervision of other respiratory therapy personnel.

Respiratory Therapy Practice Act or the Act Acts 1985, Number 408, as amended, R.S. 37:3351-3361.

B. Respiratory therapy shall also include teaching patient and family respiratory therapy procedures as part of a patient's ongoing program and consultation services or for health, educational, and community agencies under the order of a licensed physician.

C. Masculine terms wherever used in this chapter shall also be deemed to include the feminine.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270(B)(6) and R.S. 37:3351-3361.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 12:767 (November 1986), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 19:744 (June 1993).

Subchapter B. Requirements and Qualifications for Licensure

' 2505. Scope of Subchapter

The rules of this subchapter govern and prescribe the requirements, qualifications, and conditions requisite to eligibility for licensure as a licensed respiratory therapist or a licensed respiratory therapy technician in the state of Louisiana.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270(B)(6) and R.S. 37:3351-3361.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 12:767 (November 1986).

' 2507. Requirements for Licensure of Respiratory Therapist

A. To be eligible and qualified to obtain a respiratory therapist license, an applicant shall:

1. be at least 18 years of age;
2. be of good moral character;
3. be a high school graduate or have the equivalent of a high school diploma;
4. possess current credentials as a registered respiratory therapist granted by the National Board of Respiratory Care, or its successor organization or equivalent approved by the board, on the basis of written examination;

5. be a citizen of the United States or possess valid and current legal authority to reside and work in the United States duly issued by the commissioner of the Immigration and Naturalization Service of the United States under and pursuant to the Immigration and Nationality Act (66 Stat. 163) and the commissioner's regulations thereunder (8 CFR);

6. satisfy the applicable fees as prescribed by Chapter 1 of these rules;

7. satisfy the procedures and requirements for application provided by ' ' 2513 to 2517 of this chapter;

and

8. not be otherwise disqualified for licensure by virtue of the existence of any grounds for denial of licensure as provided by the law or in these rules.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270(B)(6) and R.S. 37:3351-3361.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 12:767 (November 1986), amended LR 14:87 (February 1988), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 15:271 (April 1989), LR 17:479 (May 1991).

' 2509. Requirements for Licensure of Respiratory Therapy Technician

A. To be eligible and qualified to obtain a respiratory therapy technician license, an applicant shall:

1. be at least 18 years of age;
2. be of good moral character;
3. be a high school graduate or have the equivalent of a high school diploma;
4. have successfully completed:

a. a traditional respiratory care education program then accredited by the American Medical Association Committee on Allied Health Education and Accreditation, or its successor, in collaboration with the Joint Review Committee for Respiratory Therapy Education; or

b. a nontraditional respiratory care education program then accredited by the American Medical Association Committee on Allied Health Education and Accreditation, or its successor, in collaboration with the Joint Review Committee for Respiratory Therapy Education which was conducted in accordance with the provisions of

' 2510 of this chapter;

5. possess at least one of the following credentials:
 - a. current credentials as a certified respiratory therapy technician granted by the National Board for Respiratory Care, or its successor organization or equivalent approved by the board, on the basis of written examination; or
 - b. have taken and successfully passed the examination administered by the board as further detailed in ' ' 2519 to 2537 of this chapter; provided, however, that an applicant who has failed such examination four times shall not thereafter be eligible for licensure in Louisiana; or
 - c. a temporary license issued in accordance with the provisions of ' 2547.B of these rules and who has taken and passed the licensing examination administered by the board; provided, however, that an applicant who has failed such examination four times shall not thereafter be eligible for licensure in Louisiana;
6. be a citizen of the United States or possess valid and current legal authority to reside and work in the United States duly issued by the commissioner of Immigration and Naturalization Service of the United States under and pursuant to the Immigration and Nationality Act (66 Stat. 163) and the commissioner's regulations thereunder (8 CFR);
7. satisfy the applicable fees as prescribed by Chapter 1 of these rules;
8. satisfy the procedures and requirements for application provided by ' 2513 to ' 2517 of this chapter and, if applicable, the procedures and requirements for examination provided by ' 2519 to ' 2537 of this chapter; and
9. not be otherwise disqualified for licensure by virtue of the existence of any grounds for denial or licensure as provided by the law or in these rules.

B. The burden of satisfying the board as to the qualifications and eligibility of the applicant for licensure shall be upon the applicant. An applicant shall not be deemed to possess such qualifications unless the applicant demonstrates and evidences such qualifications in a manner prescribed by and to the satisfaction of the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270(B)(6) and R.S. 37:3351-3361.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 12:767 (November 1986), amended LR 14:87 (February 1988), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 15:271 (April 1989), LR 17:479 (May 1991), LR 19:755 (June 1993).
' 2510. Conduct of Nontraditional Training Programs

A. To qualify an applicant for licensure as a respiratory therapy technician pursuant to ' 2509.A.4.b, a nontraditional respiratory care education program must be conducted in accordance with the following standards:

1. A respiratory therapy technician student participating in such a program must be concurrently enrolled in a respiratory care education program of a school or college accredited by the American Medical Association Committee on Allied Health Education and Accreditation, or its successor, in collaboration with the Joint Review Committee for Respiratory Therapy Education.
2. The hospital furnishing tutorial assistance, testing, clinical training, and similar services for the benefit of the student must:
 - a. have a written affiliation agreement with the accredited program;
 - b. designate a training coordinator who shall have had prior experience in a formal respiratory care educational environment with at least five years clinical experience in respiratory care and who shall be a licensed registered respiratory therapist, licensed certified respiratory therapy technician, or a physician who actively practices respiratory care;
 - c. provide for tutorial assistance and supervision of the student's clinical activities to be provided by a licensed registered respiratory therapist, a licensed certified respiratory therapy technician, or a physician who actively practices respiratory care; and
 - d. be able to provide students with an opportunity to observe and participate in respiratory therapy procedures adequate in number and type to support the clinical training of entry-level technicians relative to the number of students admitted to and participating in such training.
3. A student providing respiratory care to patients as permitted by R.S. 37:3361(3) in the course of a student's clinical training shall be supervised in accordance with the provisions of ' 5515 of these rules and shall be identified to patients and licensed practitioners by title or otherwise which clearly designates the student's status as a student or trainee.

B. A nontraditional respiratory care education program which does not conform to and apply the standards prescribed in ' 2510.A shall not be considered by the board to qualify an applicant for licensure under ' 2509.A.4.b.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270(B)(6) and R.S. 37:3351-3361.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 19:746 (June 1993).

' 2511. Licensure by Reciprocity

A. A person who possesses and meets all of the qualifications and requirements for licensure specified in ' 2507 of this chapter, save for possessing current credentials as a registered respiratory therapist as prescribed in ' 2507.A.4, shall nonetheless be deemed qualified for licensure, as a respiratory therapist, provided that such person presents proof of current licensure as a respiratory therapist in another state, the District of Columbia, a territory of the United States, or another country which requires standards for licensure considered by the board to exceed or to be equivalent to the requirements for licensure under this chapter, provided such state, district, territory, or country accord similar privileges of licensure to persons who have been granted their licenses under the provisions of this chapter.

B. A person who possesses and meets all of the qualifications and requirements for licensure specified by ' 2509, save for successfully passing the licensure examination administered by the board or save for possessing current credentials as a certified respiratory therapy technician as prescribed in ' 2509.A.4.a, shall nonetheless be deemed qualified for licensure as a respiratory therapy technician provided that such person presents a proof of current licensure as a respiratory therapy technician in another state, the District of Columbia, a territory of the United States, or another country which requires standards for licensure considered by the board to exceed or to be equivalent to the requirements for licensure under this chapter, provided such state, district, territory, or country accord similar privileges of licensure to persons who have been granted their licenses under the provisions of this chapter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270(B)(6) and R.S. 37:3351-3361.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 12:767 (November 1986).

' 2513. Temporary License

A. An applicant may obtain an 18-month temporary license as a respiratory therapy technician if he has completed the appropriate American Medical Association approved program and has applied for and is awaiting examination. The temporary license shall be valid until the date on which the results of the qualifying examination has been known and acted on by the board. The temporary license shall be renewable only once if the applicant fails the examination or if the applicant fails to take the qualifying examination. Exceptions may be made at the discretion of the board based upon an appeal identifying extenuating circumstances.

B. An applicant may be granted a one two-year temporary license as a respiratory therapy technician if the applicant does not meet the qualifications for licensure set forth in ' 2509 and who, as of November 20, 1986, was currently employed in the practice of respiratory therapy under the qualified medical direction and supervision of a licensed physician. Thereafter, the applicant will be required to meet the qualifications for licensure as set forth in ' 2509, to be eligible for the issuance of a license.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270(B)(6) and R.S. 37:3351-3361.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 12:767 (November 1986).

Subchapter C. Application

' 2515. Purpose and Scope

The rules of this subchapter govern the procedures and requirements applicable to application to the board for licensure of a licensed respiratory therapist or a licensed respiratory therapy technician in the state of Louisiana.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270(B)(6) and R.S. 37:3351-3361.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 12:767 (November 1986).

' 2517. Application Procedure

A. Application for licensure shall be made upon forms prescribed and supplied by the board.

B. If application is made for licensure of a respiratory therapy technician on the basis of examination to be administered by the board, an initial application must be received by the board not less than 90 days prior to the scheduled date of the examination for which the applicant desires to sit (see Subchapter D of this chapter respecting dates and places of examination). A completed application must be received by the board not less than 60 days prior to the scheduled date of such examination.

C. Application for licensure as a respiratory therapy technician based upon qualifications not requiring written

examination administered by the board, or an application for licensure as a respiratory therapist may be made at any time.

D. Application forms and instructions pertaining thereto may be obtained upon personal request at or written request directed to the office of the secretary-treasurer of the board, Suite 100, 830 Union Street, New Orleans, LA, 70112. Application forms will be mailed by the board within 30 days of the board's receipt of request therefor. To ensure timely filing and completion of applications, forms must be requested not later than 40 days prior to the deadlines for initial applications specified in ' 2517.B.

E. An application for licensure under this chapter shall include:

1. proof, documented in a form satisfactory to the board as specified by the secretary, that the applicant possesses the qualifications for licensure set forth in this chapter;
2. three recent photographs of the applicant; and
3. such other information and documentation as is referred to or specified in this chapter or as the board may require to evidence qualification for licensure.

F. An application for licensure of a respiratory therapy technician on the basis of examination shall include all documents prescribed by the National Board for the Respiratory Care Entry Level Examination and any other information and documentation deemed necessary by the board.

G. All documents required to be submitted to the board must be the original thereof.

H. The board may refuse to consider any application which is not complete in every detail, including submission of every document required by the application form. The board may, in its discretion, require a more detailed or complete response to any request for information set forth in the application form as a condition to consideration of an application.

I. Each application submitted to the board shall be accompanied by the applicable fee, as provided in Chapter 81 of these rules.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270(B)(6) and R.S. 37:3351-3361.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 12:767 (November 1986).

' 2519. Effect of Application

A. The submission of an application for licensure to the board shall constitute and operate as an authorization by the applicant to each educational institution at which the applicant has matriculated, each governmental agency to which the applicant has applied for any license, permit, certificate, or registration, each person, firm, corporation, organization, or association by whom or with whom the applicant has been employed as a respiratory therapist or respiratory therapy technician, each physician whom the applicant has consulted or seen for diagnosis or treatment, and each professional or trade organization to which the applicant has applied for membership, to disclose and release to the board any and all information and documentation concerning the applicant which the board deems material to consideration of the application. With respect to any such information or documentation, the submission of an application for licensure to the board shall equally constitute and operate as a consent by the applicant to disclosure and release of such information and documentation as a waiver by the applicant of any privileges or right of confidentiality which the applicant would otherwise possess with respect thereto.

B. By submission of an application for licensure to the board, an applicant shall be deemed to have given his consent to submit to physical or mental examinations if, when, and in the manner so directed by the board if the board has reasonable grounds to believe that the applicant's capacity to act as a respiratory therapist or a respiratory therapy technician with reasonable skill or safety may be compromised by physical or mental condition, disease, or infirmity, and the applicant shall be deemed to have waived all objections as to the admissibility or disclosure of findings, reports, or recommendations pertaining thereto on the grounds of privileges provided by law.

C. The submission of an application for licensure to the board shall constitute and operate as an authorization and consent by the applicant to the board to disclose any information or documentation set forth in or submitted with the applicant's application or obtained by the board from other persons, firms, corporations, associations, or governmental entities pursuant to this section, to any person, firm, corporation, association, or governmental entity having a lawful, legitimate, and reasonable need therefor, including, without limitation, the respiratory therapy licensing authority of any state, the National Board for Respiratory Care, the Louisiana Department of Health and Human Resources, state, county or parish, and municipal health and law enforcement agencies and the armed services.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270(B)(6) and R.S. 37:3351-3361.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 12:767 (November 1986).

Subchapter D. Examination

' 2521. Purpose and Scope

The rules of this subchapter govern the procedures and requirements applicable to the examination as administered by the board for the licensure of respiratory therapy technicians.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270(B)(6) and R.S. 37:3351-3361.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 12:767 (November 1986).

' 2523. Designation of Examination

The examination administered and accepted by the board pursuant to R.S. 37:3354 is the National Board for Respiratory Care Entry Level Examination developed by the National Board for Respiratory Care.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270(B)(6) and R.S. 37:3351-3361.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 12:767 (November 1986).

' 2525. Eligibility for Examination

To be eligible for examination by the board, an applicant shall possess all qualifications for licensure as a respiratory therapy technician prescribed by this chapter save for having successfully completed the examination; provided, however, that an applicant who has completed, or prior to the next scheduled examination will complete the appropriate American Medical Association approved program required by this chapter, but who does not yet possess evidence of such completion shall be deemed eligible for examination upon submission to the board of a letter subscribed by the director of the approved program certifying that the applicant has completed the applicable program or will have completed such program prior to the board's next scheduled examination and specifying the date on which such curriculum will be completed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270(B)(6) and R.S. 37:3351-3361.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 12:767 (November 1986).

' 2527. Dates, Places of Examination

The board's licensure examination is administered at least annually in the city of New Orleans. The applicants shall be advised of the specific date, time, and location of the next scheduled examination upon application to the board and may obtain such information upon inquiry to the office of the secretary.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270(B)(6) and R.S. 37:3351-3361.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 12:767 (November 1986).

' 2529. Administration of Examination

A. The board's licensure examination is administered by a chief proctor, appointed by the board, and one or more assistant proctors. The chief proctor is authorized and directed by the board to obtain positive photographic identification from all applicants appearing and properly registered for the examination, to establish and require examinees to observe an appropriate seating arrangement, to provide appropriate instructions for taking the examination, to fix and signal the time for beginning and ending the examination or the section thereof, to prescribe such additional rules and requirements as are necessary or appropriate to the taking of the examination in the interest of the examinees or the examination process, and to take all necessary and appropriate actions to secure the integrity of the examination and the examination process, including, without limitation, excusing an applicant for the examination or changing an applicant's seating location at any time during the examination.

B. An applicant who appears for examination shall:

1. present to the chief proctor or his designated assistant proctor proof of registration for the examination and positive personal photographic identification in the form prescribed by the board; and
2. fully and promptly comply with any and all rules, procedures, instructions, directions, or requests made or prescribed by the chief proctor.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270(B)(6) and R.S. 37:3351-3361.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 12:767 (November 1986).

' 2531. Subversion of Examination Process

A. An applicant-examinee who engages or attempts to engage in conduct which subverts or undermines the integrity of the examination process shall be subject to the sanctions specified in ' 2535 of this chapter.

B. Conduct which subverts or undermines the integrity of the examination process shall be deemed to include:

1. refusing or failing to fully and promptly comply with any rules, procedures, instructions, directions, or requests made by the chief proctor or an assistant proctor;
2. removing from the examination room or rooms any of the examination materials;
3. reproducing or reconstructing, by copying, duplication, written notes, or electronic recording, any portion of the licensure examination;
4. selling, distributing, buying, receiving, obtaining, or having unauthorized possession of a future, current, or previously administered licensure examination;
5. communicating in any manner with any other examinee or any other person during the administration of the examination;
6. copying answers from another examinee or permitting one's answers to be copied by another examinee during the administration of the examination;
7. having in one's possession during the administration of the examination any materials or objects other than the examination materials distributed, including, without limitation, any books, notes, recording devices, or other written, printed, or recorded materials or data of any kind;
8. impersonating an examinee by appearing for and as an applicant and taking the examination for, as and in the name of an applicant other than himself;
9. permitting another person to appear for and take the examination on one's behalf and in one's name; or
10. engaging in any conduct which disrupts the examination or the taking thereof by other examinees.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270(B)(6) and R.S. 37:3351-3361.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 12:767 (November 1986).

' 2533. Finding of Subversion

A. When, during the administration of examination, the chief proctor or any assistant proctor has reasonable cause to believe that an applicant-examinee is engaging or attempting to engage, or has engaged or attempted to engage, in conduct which subverts or undermines the integrity of the examination process, the chief proctor shall take such action as he deems necessary or appropriate to terminate such conduct and shall report such conduct in writing to the board.

B. In the event of suspected conduct described in ' 2531.B.5 or 6, the subject applicant-examinee shall be permitted to complete the examination, but shall be removed at the earliest practical opportunity to a location precluding such conduct.

C. When the board, upon information provided by the chief proctor, an assistant proctor, an applicant-examinee, or any other person, has probable cause to believe that an applicant has engaged or attempted to engage in conduct which subverts or undermines the integrity of the examination process, the board shall so advise the applicant in writing, setting forth the grounds for its finding of probable cause, specifying the sanctions which are mandated or permitted for such conduct by ' 2535 of this subchapter and provide the applicant with an opportunity for hearing pursuant to R.S. 49:955-58 and applicable rules of the board governing administrative hearings. Unless waived by the applicant, the board's findings of fact, conclusions of law under these rules, and its decision as to the sanctions, if any, to be imposed shall be made in writing and served upon the applicant.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270(B)(6) and R.S. 37:3351-3361.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 12:767 (November 1986).

' 2535. Sanctions for Subversion of Examination

A. An applicant who is found by the board, prior to the administration of the examination, to have engaged in conduct or to have attempted to engage in conduct which subverts or undermines the integrity of the examination process shall be permanently disqualified from taking the examination and from licensure in the state of Louisiana.

B. An applicant-examinee who is found by the board to have engaged or to have attempted to engage in conduct which subverts or undermines the integrity of the examination process shall be deemed to have failed the examination. Such failure shall be recorded in the official records of the board with reasons given for such failure.

C. In addition to the sanctions permitted or mandated by ' 2535.A and B, as to an applicant-examinee found by the board during the examination to have engaged or to have attempted to engage in conduct which subverts or

undermines the integrity of the examination process, the board may:

1. revoke licensure issued to such applicant;
2. disqualify the applicant, permanently or for a specified period of time, from eligibility for licensure in the state of Louisiana; or
3. disqualify the applicant, permanently or for a specified number of subsequent administrations of the examination, from eligibility for examination.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270(B)(6) and R.S. 37:3351-3361.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 12:767 (November 1986).

' 2536. Restriction, Limitation on Examination

With respect to any written examination administered by the board the successful passage of which is a condition to any license or permit issued under this chapter, an applicant having failed to obtain a passing score upon taking any such examination four or more times shall not thereafter be considered eligible for licensing.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270(B)(6) and R.S. 37:3351-3361.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 12:767 (November 1986), amended LR 14:87 (February 1988), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 17:479 (May 1991).

' 2537. Passing Score

An applicant will be deemed to have successfully passed the examination if he attains a score of at least 75.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270(B)(6) and R.S. 37:3351-3361.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 12:767 (November 1986).

' 2539. Lost, Stolen, or Destroyed Examinations

The submission of an application for examination by the board shall constitute and operate as an acknowledgment and agreement by the applicant that the liability of the board, its members, committees, employees, and agents, and the state of Louisiana to the applicant for the loss, theft, or destruction of all or any portion of an examination taken by the applicant, prior to the reporting of scores, thereon by the board or the National Board for Respiratory Care, shall be limited exclusively to the refund of the fees paid for examination by the applicant.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270(B)(6) and R.S. 37:3351-3361.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 12:767 (November 1986).

Subchapter E. Licensure Issuance, Termination, Renewal, Temporary Issuance and Reinstatement

' 2541. Expiration of License

A. Every license issued by the board under this chapter shall expire, and thereby become null, void, and to no effect, on the thirty-first day of December next following the date on which the license was issued.

B. Notwithstanding the provisions of ' 2541.A, every license issued by the board under this chapter to be effective on or after January 1, 1999, and each year thereafter, shall expire, and thereby become null, void and to no effect the following year on the first day of the month in which the licensee was born.

C. The timely submission of an application for renewal of a license, as provided by ' 2543 hereof, shall operate to continue the expiring license in force and effect pending the board's issuance, or denial of issuance, of the renewal license.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270(B)(6) and R.S. 37:3351-3361.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 12:767 (November 1986), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 22:1218 (December 1996), LR 24:1502 (August 1998).

' 2543. Renewal of License

A. Every license issued by the board under this subchapter shall be renewed annually on or before the date of its expiration by submitting to the board an application or renewal, upon forms supplied by the board, together with the applicable renewal fee prescribed in Chapter 81 of these rules and documentation of satisfaction of the continuing professional education requirements prescribed by Subchapter G of these rules.

B. Notwithstanding the provisions of ' 2543.A, every license issued by the board under this chapter to be effective on or after January 1, 1999, shall be renewed in the year 2000, and each year thereafter, on or before the first day of the month in which the licensee was born. Renewal fees shall be prorated if the license is to be effective for

more than one year. An application for renewal of license shall be mailed by the board to each person holding a license issued under this chapter at least 30 days prior to the expiration of the license each year. Such form shall be mailed to the most recent address of each licensed respiratory therapist or licensed respiratory therapy technician as reflected in the official records of the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270(B)(6) and R.S. 37:3351-3361.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 12:767 (November 1986), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 22:1218 (December 1996), LR 24:1502 (August 1998).

' 2545. Reinstatement of License

A. A license which has expired without renewal may be reinstated by the board if application for reinstatement is made not more than two years from the date of expiration and subject to the conditions and procedures hereinafter provided.

B. An application for reinstatement shall be made upon forms supplied by the board and accompanied by two letters of recommendation from responsible officers of the applicant's last employment as a licensed respiratory therapist or as a licensed respiratory therapy technician, together with the applicable renewal fee, plus a penalty equal to twice the renewal fee.

C. With respect to an application for reinstatement made more than one year after the date on which the certificate expired, as a condition of reinstatement, the board may require that the applicant complete a statistical affidavit upon a form provided by the board, provide the board with a recent photograph, and/or possess a current, unrestricted license issued by another state, and evidence satisfaction of the requirements of Chapter 25.G with respect to continuing professional education.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270(B)(6) and R.S. 37:3351-3361.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 12:767 (November 1986), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 22:1218 (December 1996).

' 2547. Temporary License

A. The board may issue an 18-month temporary license as a respiratory therapist or respiratory therapy technician under the following terms and conditions:

1. To be eligible for an 18-month temporary license as a respiratory therapist or respiratory therapy technician, an applicant shall:

a. be qualified for licensure under ' 2507.A or ' 2509.A, save for having taken and passed a required licensing examination;

b. have successfully completed a respiratory care educational program accredited by the American Medical Association Committee on Allied Health Education and Accreditation, or its successor, in collaboration with the Joint Review Committee for Respiratory Therapy Education; and

c. have taken, or made application to take, the required written examination and be awaiting the administration and/or reporting of scores thereon.

2. A temporary license issued under this subsection shall be effective for not more than 18 months and shall, in any event, expire and become null and void on the earlier of:

a. the date on which the board takes action on the application following notice of the applicant's scores on the licensing examination; or

b. the first date of the examination if the applicant fails to appear for or complete the examination.

3. Upon expiration of a temporary license issued under this subsection by virtue of the applicant's failure to achieve a passing score on the licensing examination, the temporary license may be renewed by the board for one additional period not to exceed 18 months. A temporary license so renewed shall expire and become null and void at the expiration of one year from the date of renewal if the temporary license holder has not, on or prior to such date, applied to retake the licensing examination. Any such renewed temporary license shall also expire and become null and void on the earlier of:

a. the date on which the board takes action on the application following notice of the applicant's scores on the licensing examination; or

b. the first date of the examination if the applicant fails to appear for or complete the examination.

B. The board shall issue a temporary license as a respiratory therapy technician, effective for a period not to exceed one year, to an applicant who, on and as of June 26, 1989, held a temporary license issued by the board

pursuant to R.S. 37:3357(E)(2) and who, on and as of such date and continuously thereafter to and including the date of application, was enrolled in a respiratory therapy technician educational program approved by the American Medical Association. A temporary license issued under this subsection may be renewed once, for a period not to exceed one year, provided that at the time of expiration of the initial temporary license, the temporary license holder continues to be enrolled in such an approved educational program. An initial or renewed temporary license issued under this subsection shall in any event expire and become null and void on any date that the holder concludes or terminates his or her enrollment in such an approved educational program.

C. The board may grant a permit to practice, effective for a period of 60 days, to an applicant who has made application to the board for a license as a respiratory therapist, who provides satisfactory evidence of registration by the National Board for Respiratory Care pursuant to written examination administered by the NBRC, and who is not otherwise demonstrably ineligible for licensure under ' 2507 of these rules. A permit issued under this subsection may not be extended or renewed beyond its initial term.

D. The board may grant a permit to practice, effective for a period of 60 days, to an applicant who has made application to the board for a license as a respiratory therapy technician, who provides satisfactory evidence of having successfully completed a respiratory care educational program approved by the American Medical Association, and who is not otherwise demonstrably ineligible for licensure under ' 2509 of these rules. A permit issued under this subsection may not be extended or renewed beyond its initial term.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270(B)(6) and R.S. 37:3351-3361.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 12:767 (November 1986), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 15:271 (April 1999), LR 17:480 (May 1991), LR 19:746 (June 1993).

Subchapter F. Advisory Committee on Respiratory Care

' 2549. Organization; Authority and Responsibilities

A. The Advisory Committee on Respiratory Care (the "committee"), as established, appointed, and organized pursuant to R.S. 37:3356 of the act is hereby recognized by the board.

B. The committee shall:

1. have such authority as is accorded it by the act;
2. function and meet as prescribed by the act;
3. serve as a clearinghouse for nontraditional respiratory care education and training programs conducted in the state of Louisiana;
4. advise the board on issues affecting the licensing of respiratory therapists and respiratory therapy technicians and on the regulation of respiratory care in the state of Louisiana; and
5. perform such other functions and provide such additional advice and recommendations as may be requested by the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270(B)(6) and R.S. 37:3357.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 19:747 (June 1993).

' 2551. Delegation of Authority

A. Authority is hereby delegated to the Advisory Committee on Respiratory Care to:

1. survey, by site visit or otherwise, each hospital or other institution located in this state which is affiliated with and at which is conducted a nontraditional respiratory care education and training program for the purpose of reporting to the board as provided by ' 2551.B;
2. assist the board in the review of applicant's satisfaction of continuing education requirements for renewal of licensure under this chapter as provided in ' 2551.D.

B. The committee shall annually report to the board, in writing, on each such nontraditional respiratory care education and training program conducted in this state and, with respect to each such program, advise the board with respect to:

1. such program's compliance with the provisions of these rules relating to the conduct of such programs;
2. the number of students enrolled and participating in such program during the preceding year;
3. the number of graduates of such program having taken the National Board of Respiratory Care entry-level examination and the number of such graduates having successfully passed such examination; and
4. any recommendations the committee may have with respect to the future conduct of such program and regulation of the same by the board.

C. In discharging the responsibilities provided for by this section, the committee shall have authority to:

1. periodically request and obtain necessary and appropriate information from hospitals or other institutions located in this state which are affiliated with and at which are conducted a nontraditional respiratory care education and training programs, from the coordinators of such program, and from students enrolled in such programs; and

2. periodically conduct visits of the hospitals or other institutions at which such programs are conducted in this state.

D. To carry out its duties of ' 2551.A.2, the Advisory Committee is authorized by the board to advise and assist the board in the review and approval of continuing professional education programs and licensee satisfaction of continuing professional education requirements for renewal of licensure, as prescribed by Chapter 25.G, including the authority and responsibility to:

1. evaluate organizations and entities providing or offering to provide continuing professional education programs for respiratory therapists and respiratory therapy technicians and provide recommendations to the board with respect to the board's recognition and approval of such organizations and entities as sponsors of qualifying continuing professional education programs and activities pursuant to ' 2559 of these rules; and

2. review documentation of continuing professional education by respiratory therapists and respiratory therapy technicians, verify the accuracy of such documentation, and evaluation of and make recommendations to the board with respect to whether programs and activities evidenced by applicants for renewal of licensure comply with and satisfy the standards for such programs and activities prescribed by these rules; and

3. request and obtain from applicants for renewal of licensure such additional information as the Advisory Committee may deem necessary or appropriate to enable it to make the evaluations and provide the recommendations for which the committee is responsible.

E. In discharging the functions authorized under this section the Advisory Committee and the individual members thereof shall, when acting within the scope of such authority, be deemed agents of the board. All information obtained by the Advisory Committee members pursuant to ' 2551.A.2 and D shall be considered confidential. Advisory Committee members are prohibited from communicating, disclosing, or in any way releasing to anyone, other than the board, any information or documents obtained when acting as agents of the board without first obtaining written authorization from the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3351-3361, R.S. 37:1270(B)(6), and R.S. 37:3357.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 19:747 (June 1993), amended LR 22:1219 (December 1996).

Subchapter G. Continuing Professional Education

' 2553. Scope of Subchapter

The rules of this subchapter provide standards for the continuing professional education requisite to the annual renewal of licensure as a respiratory therapist or respiratory therapy technician, as required by ' ' 2543 and 2555 of these rules, and prescribe the procedures applicable to satisfaction and documentation of continuing professional education in connection with application for renewal of licensure.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3357(D) and R.S. 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 22:1219 (December 1996).

' 2555. Continuing Professional Educational Requirement

A. Subject to the exceptions specified in ' 2569 of this subchapter, to be eligible for renewal of licensure for 1998 and thereafter, a respiratory therapist or respiratory therapy technician shall, within each year during which he holds licensure, evidence and document, upon forms supplied by the board, successful completion of not less than 10 hours, or 1.0 continuing education unit (CEU) of continuing education courses sanctioned by the American Association of Respiratory Care, the Respiratory Care Advisory Committee to the board, or their successors. Not less than six of the required hours shall be related to cardiopulmonary care.

B. One Continuing Education Unit (CEU) constitutes and is equivalent to 10 hours of participation in organized continuing professional education programs approved by the board and meeting the standards prescribed in this subchapter. One hour of continuing education credit is equivalent to 50 minutes of instruction.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3357(D) and R.S. 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 22:1219 (December 1996).

' 2557. Qualifying Continuing Professional Education Programs

- A. To be acceptable as qualifying continuing professional education under these rules, a program shall:
1. have significant and substantial intellectual or practical content dealing principally with matters germane and relevant to the practice of respiratory therapy;
 2. have pre-established written goals and objectives, with its primary objective being to maintain or increase the participant's competence in the practice of respiratory therapy;
 3. be presented by persons whose knowledge and/or professional experience is appropriate and sufficient to the subject matter of the presentation;
 4. provide a system or method for verification of attendance or course completion; and
 5. be a minimum of 50 continuous minutes in length.
- B. Other approved continuing education activities include:
1. earning a grade of "C" or better in a course related to health care in an academic setting, or grade of "pass" in a pass/fail course. One credited semester hour will be deemed to equal 15 contact hours.
 2. programs on advanced cardiac life support (ACLS), pediatric advanced life support (PALS), or neonatal advanced life support (NALS), each of which will equal 10 contact hours;
 3. successfully completing a recertification examination for the highest credential held by the respiratory therapist or respiratory therapy technician including certified respiratory therapy technician (CRTT), registered respiratory therapist (RRT), certified pulmonary function technologist (CPFT), registered pulmonary function technologist (RPFT), registered cardiovascular technologist (RCVT), and certified cardiovascular technologist (CCVT), with each such recertification examination equal to 10 contact hours;
 4. initial certification as a CPFT, RPFT Perinatal/Pedi Specialist, RCVT, or CCVT and each such certification will equal 10 hours;
 5. any accredited home study/correspondence program issued by an approved organization as set out in ' 2559.A. Credit will be issued in the same manner as earning a grade of C or better in a course related to health care in an academic setting within that one semester hour will equal 15 contact hours;
 6. any instructor course taken in preparation for teaching a course.
- C. None of the following programs, seminars, or activities shall be deemed to qualify as acceptable CPE programs under these rules:
1. any program not meeting the standards prescribed by ' 2557.A;
 2. independent study not approved or sponsored by one of the organizations identified as a program sponsor in ' 2559.A;
 3. in-service education provided by a sales representative;
 4. teaching, training, or supervisory activities not specifically included in ' 2557.B;
 5. holding office in professional or governmental organizations, agencies, or committees;
 6. participation in case conferences, informal presentations, or in service activities;
 7. giving or authorizing verbal or written presentations, seminars or articles, or grant applications; or
 8. passing basic cardiac life support (BCLS).

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3357(D) and R.S. 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 22:1220 (December 1996).

' 2559. Approval of Program Sponsors

A. Any program, course, seminar, workshop, or other activity meeting the standards prescribed by ' 2557 shall be deemed approved for purposes of satisfying continuing education requirements under this subchapter, if sponsored or offered by the American Association for Respiratory Care (AARC), any AARC-chartered affiliate, the Louisiana Hospital Association, the Louisiana Nurses Association, the American Lung Association, the American Heart Association, the American College of Chest Physicians, the American Thoracic Society, the American Nursing Association, the American Society of Cardiovascular Professionals, the American Medical Association, the American College of Cardiology, the Louisiana Association for Home Care, the Louisiana Association of Cardiovascular and Pulmonary Rehabilitation, the Louisiana State Medical Society, any hospital or agency belonging to the Louisiana Hospital Association, any hospital or agency accredited by the Joint Commission on Accreditation of Health care Organizations (JCAHO), and Cardiovascular Credentialing International.

B. Upon the recommendation of the Advisory Committee, the board may designate additional organizations and entities whose programs, courses, seminars, workshops, or other activities shall be deemed approved by the

board for purposes of qualifying as an approved continuing professional education program under ' 2557.A.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3357(D) and R.S. 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 22:1220 (December 1996).

' 2561. Approval of Program

A. A continuing professional education program or activity sponsored by an organization or entity not deemed approved by the board pursuant to ' 2559.A may be pre-approved by the board as a program qualifying and acceptable for satisfying continuing professional education requirements under the subchapter upon written request to the board therefore, upon a form supplied by the board, providing a complete description of the nature, location, date, content, and purpose of such program and such other information as the board or Advisory Committee may request to establish the compliance of such program with the standards prescribed by ' 2557. Any such requests for pre-approval respecting a program which makes and collects a charge for attendance shall be accompanied by a nonrefundable processing fee of \$30.

B. Any such written request shall be referred by the board to the Advisory Committee for its recommendation. If the Advisory Committee recommendation is against the approval, the board shall give notice of such recommendation to the person or organization requesting approval and such person or organization may appeal to the Advisory Committee's recommendation to the board by written request delivered to the board within 10 days of such notice. The Advisory Committee or board's decision with respect to approval of any such activity shall be final. Persons and organizations requesting pre-approval of continuing professional education programs should allow not less than 60 days for such requests to be processed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3357(D) and R.S. 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 22:1221 (December 1996).

' 2563. Documentation Procedure

A. A form for annual documentation and certification of satisfaction of the continuing professional education requirements prescribed by these rules shall be mailed by the board to each respiratory therapist or respiratory therapy technician subject to such requirements with the application for renewal of licensure form mailed by the board pursuant to ' 2543 of these rules. Such form shall be completed and delivered to the board with the licensee's renewal application.

B. A respiratory therapist or respiratory therapy technician shall maintain a record or certificate of attendance for at least four years from the date of completion of the continuing education program.

C. The board or Advisory Committee shall randomly select for audit no fewer than three percent of the licensees each year for an audit of continuing education activities. In addition, the board or Advisory Committee has the right to audit any questionable documentation of activities. Verification shall be submitted within 30 days of the notification of audit. A licensee's failure to notify the board of a change of mailing address will not absolve the licensee from the audit requirement.

D. Any certification of continuing professional education not presumptively approved by the board pursuant to these rules, or pre-approved by the board in writing, shall be referred to the Advisory Committee for its evaluation and recommendations pursuant to ' 2551.D.1. The board's decision with respect to approval and recognition of any such program or activity shall be final.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3357(D) and R.S. 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 22:1221 (December 1996).

' 2565. Failure to Satisfy Continuing Professional Education Requirements

A. An applicant for renewal of licensure who fails to evidence satisfaction of the continuing professional education requirements prescribed by these rules shall be given written notice of such failure by the board. The license of the applicant shall remain in full force and effect for a period of 90 days following the mailing of such notice, following which it shall be deemed expired, unrenewed, and subject to revocation without further notice, unless the applicant shall have, within 90 days, furnished the board satisfactory evidence, by affidavit, that:

1. the applicant has satisfied the applicable continuing professional education requirements;
2. the applicant is exempt from such requirements pursuant to these rules; or
3. the applicant's failure to satisfy the continuing professional education requirements was occasioned by disability, illness, or other good cause as may be determined by the board.

B. The license of a respiratory therapist or respiratory therapy technician whose license has expired by nonrenewal or has been revoked for failure to satisfy the continuing professional education requirements of these rules may be reinstated by the board upon written application to the board, made not more than two years from the date of expiration or revocation, accompanied by payment of a reinstatement fee, in addition to all other applicable fees and costs, of \$50, together with documentation and certification that:

1. the applicant has, for each year since the date on which the applicant's license lapsed, expired or was revoked, completed eight hours (0.8 CEU) of qualifying continuing professional education, and if the application for reinstatement is made more than one year following the date on which such license lapsed, expired or was revoked, the applicant shall evidence completion of an additional four hours of qualifying continuing professional education since the date on which the applicant's license lapsed, expired or was revoked; or

2. the applicant has, within one year prior to making application of reinstatement taken and successfully passed the recertification examination of the National Board for Respiratory Care.

C. Any licensee who falsely certifies attendance and/or completion of the required continuing education requirement will be subject to disciplinary action.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3357(D) and R.S. 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 22:1221 (December 1996), amended LR 24:1502 (August 1998).

' 2567. Waiver of Requirements

The board may, in its discretion upon the recommendation of the Advisory Committee, waive all or part of the continuing professional education required by these rules in favor of a respiratory therapist or respiratory therapy technician who makes written requests for such waiver to the board and evidences to the satisfaction of the board a permanent physical disability, illness, financial hardship, or other similar extenuating circumstances precluding the individual's satisfaction of continuing professional education requirements.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3357(D) and R.S. 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 22:1222 (December 1996).

' 2569. Exceptions to the Continuing Professional Education Requirements

The continuing professional education requirements prescribed by this subchapter as requisite to renewal of licensure shall not be applicable to:

1. a respiratory therapist or respiratory therapy technician employed exclusively by, or at an institution operated by, any department or agency of the United States; or

2. a respiratory therapist or respiratory therapy technician who has held an initial Louisiana license on the basis of examination for less than one year.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3357(D) and R.S. 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 22:1222 (December 1996).